



U.S. House of Representatives Committee on the Judiciary F. James Sensenbrenner, Jr., Chairman

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News Advisory

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Judiciary Committee Approves Legislation Preventing Illegal Immigration and Bolstering Border Security

United Republicans Overcome Democratic Opposition

WASHINGTON, D.C. – The House Judiciary Committee today on a party-line 23-to-15 vote approved legislation introduced by House Judiciary Committee Chairman F. James Sensenbrenner, Jr. (R-Wis.) that prevents illegal immigration and takes needed steps to gain control over our borders. H.R. 4437 is expected to be considered by the House next week.

Chairman Sensenbrenner said, “This legislation will help restore the integrity of our Nation’s borders and reestablish respect for our laws by holding violators accountable, including human traffickers, employers who hire illegal aliens, and alien gang members who terrorize communities throughout the country.”

H.R. 4437 will combat the hiring of illegal workers by providing all employers with a reliable method of determining whether employees are legally eligible to work. The provision is modeled on legislation (H.R. 19) introduced by Rep. Ken Calvert (R-Calif.) that makes mandatory an employment eligibility verification system currently voluntary. This program confirms or denies the authenticity of Social Security numbers offered by new hires. This legislation requires that all employers within two years will begin checking any new hires against this database and begin checking all hires within six years. H.R. 4437 also increases civil and criminal penalties for knowingly hiring or employing an illegal worker.

H.R. 4437 also ends the “catch and release” policy whereby other than Mexicans (OTMs) caught illegally entering the U.S. are released into the U.S., never to be seen again. This legislation requires mandatory detention for all aliens apprehended at U.S. land borders attempting to enter illegally and use of the expedited removal process for many of those caught.

Other Highlights:

Increase Penalties for Alien Smuggling – Under current law, individuals convicted of alien smuggling crimes often receive lenient sentences. These provisions would greatly increase

criminal penalties for alien smuggling by establishing mandatory minimum sentences, among other things. These provisions were recommended by a panel of border-area U.S. Attorneys to make it easier to deport smugglers and illegal entrants.

Crackdown on Alien Gang Members – This provision incorporates H.R. 2933, introduced by Rep. Randy Forbes (R-Va.). This provision would render alien street gang members inadmissible and deportable, and authorize the Attorney General to designate groups as criminal street gangs if they meet certain criteria. This provision also mandates the detention of alien street gang members and bars alien gang members from receiving humanitarian benefits.

Increase Penalties for Aliens Reentering Illegally – Incorporates H.R. 3150, introduced by Rep. Darrell Issa (R-Calif.) that would stiffen penalties, including establishing mandatory minimum sentences, for aliens who reenter the United States after having been removed.

Aggravated Felony Provisions – The provisions would make aggravated felons inadmissible and would bar refugees and asylees with aggravated felony convictions from receiving green cards.

Cooperation between Border Sheriffs and Federal Law Enforcement – Based upon Rep. Culberson's (R-Tex.) "Border Law Enforcement Act of 2005" (H.R. 4360), authorizes and reimburses local sheriffs in the 29 counties along the southern border to enforce the immigration laws if authorized under a separate written agreement pursuant to section 287(g) of the Immigration and Nationality Act (INA), and to transfer illegal aliens to federal custody. It also specifically reimburses those Sheriffs for costs associated with detaining illegal aliens whom they arrest until they are able to hand them over to federal authorities. This provision deems aliens in Sheriffs' custody to be in federal custody once determined to be in an unlawful status.

Increasing DHS Authority for Long-Term Detention – The U.S. Supreme Court has limited DHS's ability to detain dangerous aliens with decisions that have forced hundreds of dangerous aliens, such as murderers, to be released into American communities. One alien released because of these Court decisions later shot a state trooper in the head. This change would amend the INA to allow for continued detention of aliens who pose a threat to Americans.

Renewing DHS Authority to Use Reinstatement of Removal Process – In *Morales-Izquierdo v. Ashcroft*, the Ninth Circuit recently invalidated DHS reinstatement of removal regulations, which allows DHS to remove an alien previously deported by simply reinstating the alien's prior order of removal. The House Judiciary Committee has been told that this procedure was used in some 90,000 cases last year, and the Ninth Circuit's decision affects 40% of removals in the Ninth Circuit. This amendment to the INA would clarify DHS's authority to reinstate orders.

Barring Terrorist Aliens from Naturalization – This provision bars aliens who are terrorists or security risks from becoming U.S. citizens.

Deportation for DUI – Render multiple DUI offenses a deportable offense for aliens.

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